
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:23-cv-06305-JLS-RAO

Date: August 10, 2023

Title: Gideon Siebert v. N.E.R.D. Power CA, LLC et al

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Gabby Garcia
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR LACK OF
SUBJECT MATTER JURISDICTION**

Defendant removed this action on August 2, 2023, invoking the Court’s diversity jurisdiction under 18 U.S.C. § 1332. (*See* Notice of Removal (“NOR”), Doc 1.)

“Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). As the party invoking federal jurisdiction, Defendant has the burden of establishing that this case lies within the Court’s limited jurisdiction. *See id.*

A federal court has diversity jurisdiction under 28 U.S.C. § 1332 if the parties to the action are citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). In determining the citizenship of a limited liability company, “an LLC is a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Here, Defendant, an LLC, improperly cites to the test for the citizenship of a corporation, rather than that of an LLC, in arguing that it is a citizen of New Mexico and Arizona for purposes of diversity jurisdiction. (NOR ¶ 14.) While Defendant does allege that its “sole Managing Member, Babe Kilgore” is “based out of its Gilbert, Arizona office,” it has not alleged Kilgore’s citizenship. (*Id.*) Defendant’s assertion of citizenship is therefore insufficient to establish diversity jurisdiction.

Accordingly, Plaintiff is ORDERED to show cause, in writing (no longer than five pages), **within seven days of the date of this Order**, why the Court should not dismiss this action for lack of subject matter jurisdiction. Failure to timely respond will result in the immediate dismissal of the case.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:23-cv-06305-JLS-RAO

Date: August 10, 2023

Title: Gideon Siebert v. N.E.R.D. Power CA, LLC et al

Initials of Preparer: gga